

JESSE R. CLARK §
v. § CIVIL ACTION NO. 2:08cv56
DIRECTOR, TDCJ-CID §

The Petitioner Jesse Clark, proceeding *pro se*, filed this application for the writ of habeas corpus under 28 U.S.C. §2254 complaining of the legality of his confinement. This Court ordered that the case be referred to the United States Magistrate Judge pursuant to 28 U.S.C. §636(b)(1) and (3) and the Amended Order for the Adoption of Local Rules for the Assignment of Duties to United States Magistrate Judges.

Clark's petition sought release on mandatory supervision. After filing his petition, he filed a change of address form, and Texas prison records show that he was released on mandatory supervision. Accordingly, on June 23, 2008, the Magistrate Judge issued a Report recommending that the petition be dismissed as moot. The Magistrate Judge also recommended that to the extent that Clark asked that his work time credits be credited to the term of his sentence, this request be denied as lacking in merit. Finally, the Magistrate Judge recommended that Clark be denied a certificate of appealability *sua sponte*.

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accepted and adopted by the district court. Douglass v. United Services Automobile Association, 79 F.3d 1415, 1430 (5th Cir. 1996) (*en banc*).

The Court has reviewed the pleadings in this cause and the Report of the Magistrate Judge. Upon such review, the Court has determined that the Magistrate Judge's Report is correct. It is accordingly

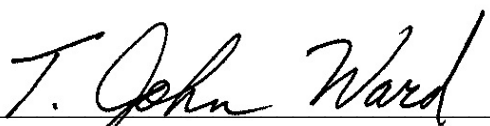
ORDERED that the Report of the Magistrate Judge is ADOPTED as the opinion of the District Court. It is further

ORDERED that the above-styled application for the writ of habeas corpus is DISMISSED with prejudice to the extent that Clark seeks to have his work time credits counted as part of the term of his sentence, and DISMISSED as moot to the extent that Clark seeks release on mandatory supervision. It is further

ORDERED that the Petitioner Jesse Clark is hereby DENIED a certificate of appealability *sua sponte*. Finally, it is

ORDERED that any and all motions which may be pending in this action are hereby DENIED.

SIGNED this 24th day of October, 2008.



T. JOHN WARD
UNITED STATES DISTRICT JUDGE